

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN STEVEN FORIAN,

Plaintiff,

V.

HENRY WOODS, et al.,

Defendants.

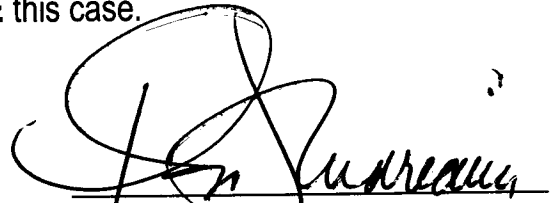
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(JUDGE MARIANI)

ORDER

AND NOW, THIS 3rd DAY OF APRIL, 2018, upon review of Magistrate Judge Carlson's Report & Recommendation, (Doc. 5), for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation, (Doc. 5), is **ADOPTED**, except as modified below, for the reasons stated therein.
2. Plaintiff's Complaint, (Doc. 1), is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted.¹
3. Plaintiff's Motion to Stay, (Doc. 10), is **DENIED**.
4. The Clerk of the Court is directed to **CLOSE** this case.


Robert D. Mariani
United States District Court Judge

¹ Although the Report & Recommendation suggests allowing Plaintiff an opportunity to amend his pleading, the Court sees this as a futile endeavor as long as his state criminal charges are pending. Accordingly, while the Court will not grant Plaintiff leave to amend, it will dismiss his Complaint without prejudice to his right to refile his action at the appropriate time.